

5. As the First Circuit has recognized, “[t]here is the potential for an infringement of the first amendment whenever the government prohibits or restrains free speech or publication.” *Anderson v. Cryovac*, 805 F.2d 1, 6 (1st Cir. 1986). Accordingly, “first amendment considerations cannot be ignored in reviewing discovery protective orders.” *Id.* at 7. Moreover, “[a]s a general proposition, pre-trial discovery must take place in the public unless compelling reasons exist for denying the public access to the proceedings.” *Public Citizen*, 858 F.2d at 790. *See generally Miller v. City of Boston*, 549 F. Supp. 2d 140, 141-42 (D. Mass. 2008)

6. Because plaintiff’s Motion to Modify the Protective Order implicates the First Amendment interests of members of the public and the press, the Globe requests that it be allowed to intervene in this action for the limited purpose of being heard on the Motion to Modify.

WHEREFORE, Globe Newspaper Company, Inc. requests that:

1. The Court grant the Globe’s Motion to Intervene for the purpose of being heard on the Motion to Modify the Protective Order;
2. The Court grant the Globe’s Motion to Modify the Protective Order so as to permit public disclosure of deposition transcripts and exhibits of the parties and any other public officials deposed in the case; and

3. The Court enter such other relief as is just and proper.

**GLOBE NEWSPAPER COMPANY,
INC.,**

By its attorneys,

/s/ Jonathan M. Albano

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Dated: August 19, 2015

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 19, 2015.

/s/ Jonathan M. Albano, BBO #013850

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